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8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **SEATTLE DIVISION**

11 ALEXANDER BAYONNE STROSS,

12 Plaintiff,

13 v.

14 ZILLOW, INC. and TRULIA, LLC,

15 Defendants.

CASE NO. 2:21-cv-01489

**COMPLAINT FOR  
COPYRIGHT  
INFRINGEMENT  
(INJUNCTIVE RELIEF  
DEMANDED)**

JURY DEMAND

16  
17 Plaintiff ALEXANDER BAYONNE STROSS by and through his undersigned counsel,  
18 brings this Complaint against Defendants ZILLOW, INC. and TRULIA, LLC for damages and  
19 injunctive relief, and in support thereof states as follows:

20 **SUMMARY OF THE ACTION**

21 1. Plaintiff ALEXANDER BAYONNE STROSS ("Stross") brings this action for  
22 violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute  
23 Stross' original copyrighted Works of authorship.

24 2. Stross is the owner and principal photographer of Stross Stock. After traveling  
25 the world with his camera, creating thousands of high-quality photographs, the natural next step  
26

1 was to offer the public means to license his work. Each photo on Stross Stock is shot with top-  
2 quality equipment, thoughtfully produced, hand selected, and tastefully edited before being made  
3 available to the public.

4 3. Stross is a native of Austin, Texas, and watched the small city grow and develop  
5 into an urban hot spot. This served as his inspiration to become a photographer, centering his  
6 expertise on complicated architectural photography and landscape photography. In 2016, Stross  
7 was nominated and accepted as a professional member of the American Society of Media  
8 Photographers, which is a high honor. Stross received a B.S. in Computer Science at the  
9 University of Texas at Austin and has since combined his love for the photographic arts and  
10 computer science by building an online system to help protect artists' works on the internet.  
11

12 4. Defendant ZILLOW, INC. ("Zillow") is an American online real estate  
13 marketplace. Defendant Trulia, LLC ("Trulia") is an online real estate marketplace and  
14 subsidiary of Zillow. Defendants Zillow and Trulia are collectively referred to herein as  
15 "Defendants."  
16

17 5. Stross alleges that Defendants copied Stross' copyrighted Works from the internet  
18 in order to advertise, market and promote their business activities. Defendants committed the  
19 violations alleged in connection with Defendants' businesses for purposes of advertising and  
20 promoting sales to the public in the course and scope of the Defendants' businesses.  
21

### 22 **JURISDICTION AND VENUE**

23 6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

24 7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C.  
25 §§ 1331, 1338(a).

26 8. Defendants are subject to personal jurisdiction in Washington.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

### **DEFENDANTS**

10. Zillow, Inc. is a Washington corporation, with its principal place of business at 1301 Second Avenue, Floor 31, Seattle, Washington, 98101, and can be served by serving its Registered Agent, United Agent Group Inc, West 505 Riverside Avenue, Suite 500, Spokane, Washington, 99201.

11. Trulia, LLC is a Washington limited liability company with its principal place of business at 1301 Second Avenue, Floor 31, Seattle, Washington, 98101, and can be served by serving its Registered Agent, Agent, United Agent Group Inc, West 505 Riverside Avenue, Suite 500, Spokane, Washington, 99201.

### **THE COPYRIGHTED WORKS AT ISSUE**

12. The table below is a list of Stross' 106 infringed photographs (referred to herein as the "Works"), the registration certificate number, date of registration and the name of the photograph. One of the photographs is shown below. Copies of the Works are attached hereto as Exhibit 1. Copies of the Registration Certificates are attached hereto as Exhibit 2.

<b><u>Registration Number</u></b>	<b><u>Work</u></b>	<b><u>Registration Date</u></b>
VAu001129745	1st-10.jpg	01.30.2013
VAu001129745	4th-2.jpg	01.30.2013
VAu001129745	4th-4.jpg	01.30.2013

<u>Registration Number</u>	<u>Work</u>	<u>Registration Date</u>
VAu001129745	4th-5.jpg	01.30.2013
VAu001129745	4th-6.jpg	01.30.2013
VAu001129745	4th-7.jpg	01.30.2013
VAu001129745	4th-8.jpg	01.30.2013
VAu001129745	4th-9.jpg	01.30.2013
VAu001129745	4th-10.jpg	01.30.2013
VA0001932509	912 Windsor Hill Dr- Deck - 22.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr - Storage - 14.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Backyard - 15.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Backyard - 16.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Backyard - 17.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Bathroom - 23.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Bathroom - 6.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Breakfast - 10.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Dining - 3.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Flex - 13.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Foyer - 4.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Front - 27.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Front - 28.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Front - 29.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Game - 20.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Guest - 19.jpg	10.27.2014

<u>Registration Number</u>	<u>Work</u>	<u>Registration Date</u>
VA0001932509	912 Windsor Hill Dr- Guest - 21.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Guest - 24.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Guest - 7.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Kitchen - 11.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Kitchen - 9.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Living - 5.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Living - 8.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Master Bath - 25.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Master Bed - 26.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Shed - 12.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr- Stairs - 18.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr-Living Room-1.jpg	10.27.2014
VA0001932509	912 Windsor Hill Dr-Living Room-2.jpg	10.27.2014
vAu001101527	9313 Stone Mountain-1.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-3.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-4.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-5.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-6.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-7.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-8.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-12.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-16.jpg	04.27.2012

<u>Registration Number</u>	<u>Work</u>	<u>Registration Date</u>
VAu001101527	9313 Stone Mountain-17.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-18.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-19.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-20.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-21.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-23.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-24.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-25.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-26.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-27.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-29.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-32.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-34.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-35.jpg	04.27.2012
VAu001101527	9313 Stone Mountain-36.jpg	04.27.2012
VAu001088759	20110315-_MG_8533_4_6_7_8Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8575_76_78_79_80Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8588_89_91_92_93Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8618_19_21_22_23Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8642_3_5_6_7Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8648_49_51_52_53Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8654_5_7_8_9Adjust-Edit.jpg	11.20.2011

<u>Registration Number</u>	<u>Work</u>	<u>Registration Date</u>
VAu001088759	20110315-_MG_8660_1_3_4_5Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8678_79_81_82_83Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8690_1_3_4_5Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8735_36_38_39_40Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8747_48_50_51_52Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8759_60_62_63_64Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8771_2_4_5_6Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8783_4_6_7_8Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8789_90_92_93_94Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8825_26_28_29_30Adjust.jpg	11.20.2011
VAu001088759	20110315-_MG_8831_2_4_5_6Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8837_38_40_41_42Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8843_4_6_7_8Adjust.jpg	11.20.2011
VAu001088759	20110315-_MG_8867_68_70_71_72Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8927_28_29_31_32Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8978_79_80_82_83Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8984_5_6_8_9Adjust-Edit.jpg	11.20.2011
VAu001088759	20110315-_MG_8990_1_2_4_5Adjust-Edit.jpg	11.20.2011
VAu001089810	20111022-_MG_0031-2_2-2_3-2_4-2_5-2_6-2Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0073-2_4-2_5-2_6-2_7-2_8-2Adjust-Edit.jpg	02.20.2012

<u>Registration Number</u>	<u>Work</u>	<u>Registration Date</u>
VAu001089810	20111022-_MG_0079-2_80-2_81-2_82-2_83-2_84-2Adjust.jpg	02.20.2012
VAu001089810	20111022-_MG_0097-2_098-2_099-2_100-2_101-2_102-2Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0124_5_6_7_8_9Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0148_49_50_51_52_53Enhancer-2.jpg	02.20.2012
VAu001089810	20111022-_MG_0160_1_2_3_4_5Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0183-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0187_88_89_90_91_92Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0208_09_10_11_12_13Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0238_39_40_41_42_43Adjust-Edit-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0250_1_2_3_4_5Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0268_69_70_71_72_73Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0286_87_88_89_90_91Adjust-Edit.jpg	02.20.2012
VAu001089810	20111022-_MG_0316_17_18_19_20_21Adjust-Edit.jpg	02.20.2012
VAu001089810	20111113-_MG_0097_098_099_100_101_102Adjust-Edit.jpg	02.20.2012
VAu001089810	20111231-26AR0114_5_6_7_8Adjust-Edit.jpg	02.20.2012
VAu001089810	20111231-26AR0129_30_31_32_33Adjust-Edit.jpg	02.20.2012
VAu000989644	Set04Enhancer5from_26AR7634_pt.jpg	12.15.2008





13. Stross' Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

14. At all relevant times Stross was the owner of the copyrighted Works at issue in this case.

#### **INFRINGEMENT BY DEFENDANTS**

15. Defendants have never been licensed to use the Works at issue in this action for any purpose.

16. On a date after the Works at issue in this action were created, but prior to the filing of this action, Defendants copied the Works.

1 17. Defendants copied Stross' copyrighted Works without Stross' permission.

2 18. After Defendants copied the Works, they made further copies and distributed the  
3 Works on the internet to promote the sale of goods and services as part of their online real estate  
4 marketplace business.

5 19. Defendants copied and distributed Stross' copyrighted Works in connection with  
6 Defendants' business for purposes of advertising and promoting Defendants' business, and in the  
7 course and scope of advertising and selling products and services.  
8

9 20. Stross' Works are protected by copyright but are not otherwise confidential,  
10 proprietary, or trade secrets.

11 21. Defendants committed copyright infringement of the Works as evidenced by the  
12 documents attached hereto as Exhibit 3.

13 22. On April 15, 2021 Stross sent DMCA takedown notices to Trulia LLC and  
14 Zillow, Inc. A true and correct copy of those takedown notices are attached hereto as Exhibit 4.  
15

16 23. Defendants replied with automated messages asking for more information, which  
17 Stross provided.

18 24. Defendants did not comply with the DMCA takedown notices.

19 25. Stross never gave Defendants permission or authority to copy, distribute or  
20 display the Works at issue in this case.

21 **COUNT I**  
22 **COPYRIGHT INFRINGEMENT**

23 26. Plaintiff incorporates the allegations of paragraphs 1 through 25 of this Complaint  
24 as if fully set forth herein.

25 27. Stross owns valid copyrights in the Works at issue in this case.  
26

1           28.     Stross registered the Works at issue in this case with the Register of Copyrights  
2 pursuant to 17 U.S.C. § 411(a).

3           29.     Defendants copied, displayed, and distributed the Works at issue in this case and  
4 made derivatives of the Works without Stross' authorization in violation of 17 U.S.C. § 501.

5           30.     Defendants performed the acts alleged in the course and scope of their business  
6 activities.

7           31.     Defendants' acts were willful.

8           32.     Stross has been damaged.

9           33.     The harm caused to Stross has been irreparable.  
10

11                               **COUNT II**  
12                               **REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION**

13           34.     Plaintiff incorporates the allegations of paragraphs 1 through 25 of this Complaint  
14 as if fully set forth herein.

15           35.     The Works at issue in this case contain copyright management information  
16 ("CMI").

17           36.     Defendants knowingly and with the intent to enable or facilitate copyright  
18 infringement, removed CMI from the Works at issue in this action in violation of 17 U.S.C. §  
19 1202(b).  
20

21           37.     Defendants committed these acts knowing or having reasonable grounds to know  
22 that they will induce, enable, facilitate or conceal infringement of Stross' rights in the Works at  
23 issue in this action protected under the Copyright Act.

24           38.     Defendants caused, directed and authorized others commit these acts knowing or  
25 having reasonable grounds to know that they will induce, enable, facilitate or conceal  
26

1 infringement of Stross' rights in the Works at issue in this action protected under the Copyright  
2 Act.

3 39. Stross has been damaged.

4 40. The harm caused to Stross has been irreparable.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, the Plaintiff prays for judgment against the Defendants Zillow, Inc. and  
7 Trulia, LLC that:

8 a. Defendants and their officers, agents, servants, employees, affiliated entities, and  
9 all of those in active concert with them, be preliminarily and permanently enjoined from  
10 committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

11 b. Defendants be required to pay Plaintiff actual damages and Defendants' profits  
12 attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17  
13 U.S.C. §§ 504, 1203;

14 c. Defendants be required to pay Plaintiff his damages including lost sales and  
15 Defendants' profits as provided in 15 U.S.C. § 1125;

16 d. Plaintiff be awarded attorneys' fees and costs of suit under the applicable statutes  
17 sued upon;

18 e. Plaintiff be awarded pre and post-judgment interest; and

19 f. Plaintiff be awarded such other and further relief as the Court deems just and  
20 proper.

21 **JURY DEMAND**

22 Plaintiff hereby demands a trial by jury of all issues so triable.

23 DATED: November 3, 2021

24 Respectfully submitted,

1  
2 /s/Joel B. Rothman

3 JOEL B. ROTHMAN

4 WSBA No. 57717

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12 And

13 /s/Jeremy Roller

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